

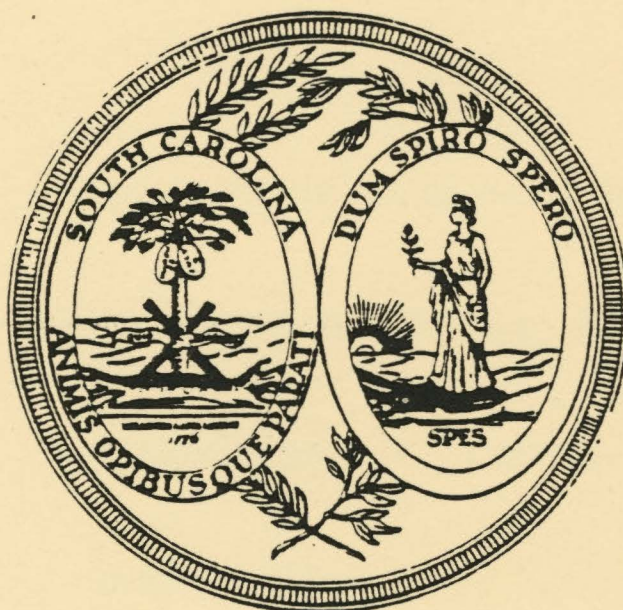
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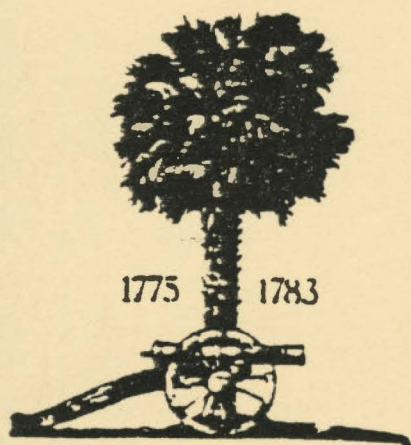
APR 28 1980

STATE DOCUMENTS

South Carolina General Assembly



Legislative Audit Council



The State of South Carolina
General Assembly
Legislative Audit Council
Sunset Review of the Board
of Architectural Examiners
July 26, 1979

THE STATE OF SOUTH CAROLINA

GENERAL ASSEMBLY

LEGISLATIVE AUDIT COUNCIL

SUNSET REVIEW OF THE BOARD

OF

ARCHITECTURAL EXAMINERS

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REPORT SUMMARY

In July 1978 the General Assembly passed Act 608 which has become known as the "Sunset Act." This Act abolishes specific boards and commissions as of predetermined dates and requires the Audit Council to review each board one year prior to its termination date. The Board of Architectural Examiners is scheduled to terminate on June 30, 1980. The Council has reviewed the Board's regulatory duties, functions, policies and procedures. The Council has found that the Board does fulfill a public need through its regulation of architects and should not be terminated.

Architects are responsible for the design of structures to be used by industrial, commercial, public and private concerns. For this reason it is necessary that licensees are qualified to perform these design tasks and that the public's health, safety and welfare are protected. It is the duty of the Board of Architectural Examiners to ensure that only qualified applicants are permitted to practice architecture and that architects abide by all applicable statutes, rules and regulations.

Although the Board of Architectural Examiners should not be terminated, the Audit Council has found several areas where changes are needed and improvements can be made.

There is no continuous public representation on the Board. Because the practice of architecture has a major impact on the public's health, safety and welfare there is a need for the addition of a public member to the Board. The Board's current system of filing and tracking complaints provides little information and should be improved. In addition, the Board needs to acquire the ability to investigate complaints. Also several licensure requirements are ineffective and should be changed.

The continuation of the Board of Architectural Examiners and the regulation of architects is needed to protect the general public. However, the improvements noted above are necessary in order to ensure that the public interests are being served.

INTRODUCTION

Act 608 of 1978 mandates the establishment of "...A System for the Review, Termination, Continuation or Reestablishment of State Agencies, Boards, Departments and Commissions." This is commonly referred to as "sunset" review. Under this section of the law the General Assembly of South Carolina finds that there has been a "substantial" growth in the number of governmental entities and that this process has occurred "...without sufficient legislative oversight, regulatory accountability or a system of checks and balances." Therefore, the General Assembly has set up a process for the "systematic review" of certain governmental entities so that it might be in "a better position to evaluate the need for their continuation, reorganization or termination." Section 6 of the Act lists 40 agencies, boards and commissions which are to be reviewed and sets termination dates for those entities.

Section 2 of Act 608 provides that twelve months prior to the termination date of an agency or board the Legislative Audit Council furnish the State Reorganization Commission and the General Assembly a "review of the specific programs or functions administered by such agency or board." Within this review and evaluation the Audit Council is to address the following issues:

- (1) The amount of the increase or reduction of costs of goods and services caused by the administering of the programs or functions of the agency under review;
- (2) Economic, fiscal and other impacts that would occur in the absence of the administering of the programs or functions of the agency under review;
- (3) The overall cost, including manpower, of the agency under review;

- (4) The efficiency of the administration of the programs or functions of the agency under review;
- (5) The extent to which the agency under review has encouraged the participation of the public and, if applicable, the industry it regulates;
- (6) The extent to which the agency duplicates the services, functions and programs administered by any other State, Federal, or other agency or entity;
- (7) The efficiency with which formal public complaints filed with the agency concerning persons or industries subject to the regulation and administration of the agency under review have been processed;
- (8) The extent to which the agency under review has complied with all applicable State, Federal and local statutes and regulations.

The following audit and evaluation presents the Audit Council's findings concerning these and other issues. Also included are recommendations concerning the continuation, reorganization or termination of the agency reviewed.

In conducting this review the Audit Council examined and analyzed all policies promulgated by the Board. Applicable State regulations were also reviewed. Files and records of the Board were analyzed including budgeting and complaints data. Interviews were also held with Board members and staff, and professional organizations.

BACKGROUND AND HISTORY

The Board of Architectural Examiners was created by Act 106 of 1917. Statutes governing the Board and the architectural profession are found in Section 40, Chapter 3 of the 1976 Code of Laws. The Board is composed of five (5) members. By law, four members are "reputable architects engaged in the actual practice of the profession in this State." The remaining member must be a professor of architecture or engineering in a State-owned college or university. Board members are appointed by the Governor for five-year terms. There is no statutory limit to the number of terms a member may serve. The Board is required to meet at least once a year.

According to its five-year plan the purpose of the Board is "to define the qualifications for the practice of architecture in the State... and to provide for the examination and regulation of architects." The statutes also specify the qualifications for applicants and types of fees charged; gives the Board powers of license revocation and injunction; and lists unlawful acts and penalties for those acts.

The Board itself has adopted a number of rules and regulations. Procedural rules dealing with meetings, officers and membership have been established. The rules also contain specific policies on testing, licensing and certification. Several rules deal with professional conduct and penalties for violation of Board rules.

As the Board states in its Five-Year Plan, its mission is to "safeguard the health, safety and welfare of the public by ensuring (that) persons who assume the title 'architect' or engage in 'architectural

practice' be qualified in accordance with the (State's) Architectural Registration Law."

Budget and Staff

During FY 77-78 Board expenditures totaled \$40,334 while receipts totaled \$41,761. The majority of expenditures were used for personnel, per diem, rents and examination expenses (see Table 1). The FY 78-79 budget totals \$48,637 and reflect similar expenditure trends including an increase in personnel expenditures.

The Board employs one part-time agency director and one full-time secretary. The agency director spends approximately 50 to 75% of her time fulfilling State reporting requirements. The secretary devotes nearly all of her time to Board-related tasks. The Board hires part-time seasonal help during the examination periods (June and December).

TABLE 1

SOUTH CAROLINA BOARD OF ARCHITECTURAL EXAMINERSStatement of Sources and Uses for the
Four-Year Period Ended June 30, 1978

SOURCE OF FUNDS:	<u>1974-75</u>	<u>1975-76</u>	<u>1976-77</u>	<u>1977-78</u>
Examination Fees	-	\$ 1,650	\$ 1,525	-
Application Fees	\$ 4,575	2,275	1,900	\$ 2,650
Annual Fees	18,585	1,440	1,780	2,685
Annual Renewal Fees	-	24,170	23,760	23,415
Late Annual Renewal Fees	2,300	7,530	2,505	2,220
New Firm Registration Fees	6,425	950	975	1,275
Firm Renewal Fees	-	5,800	5,950	6,575
Roster Fees and Misc. Income	6	68	42	166
Reciprocity Fees	-	-	-	2,875
Refunds	-340	-170	-155	-
Balance from Previous Year	<u>13,470</u>	<u>7,788</u>	<u>*</u>	<u>*</u>
TOTAL FUNDS	<u>\$45,021</u>	<u>\$51,501</u>	<u>\$38,282</u>	<u>\$41,761</u>

USE OF FUNDS:

Personal Services	\$ 7,298	\$ 8,131	\$10,442	\$14,143
Travel	5,375	7,838	3,877	5,610
Telephone	305	323	403	622
Repairs	56	112	116	380
Printing, Binding, and Advertising	2,851	3,906	2,762	1,716
Examination Expenses	3,269	2,736	3,546	4,119
Legislative Reporting Service	300	300	300	300
Meeting Expenses	111	75	60	-
Legal Fees and Stamps	1,004	1,852	112	-
Office Supplies	452	281	1,586	2,266
Postage	947	1,100	1,299	2,279
Rents	5,759	5,949	5,645	5,482
Insurance	246	246	227	229
Contributions and Dues	700	925	875	875
Reproduction and Mailing	111	1,013	-	-
Other Supplies	235	-	-	-

TABLE 1 (CONTINUED)

USE OF FUNDS:	<u>1974-75</u>	<u>1975-76</u>	<u>1976-77</u>	<u>1977-78</u>
Training	-	\$ 3	-	-
Office Equipment	\$ 7,768	3,856	-	\$ 479
Other Contractual				
Services	-	-	-	235
State Employer				
Contributions	-	-	-	1,599
Miscellaneous	-	-	-	-
TOTAL				
EXPENDITURES	<u>\$36,787</u>	<u>\$38,646</u>	<u>\$31,250</u>	<u>\$40,334</u>

*In 1976 the Board came under the Comptroller General and these balances went into the General Fund.

ISSUES AND FINDINGS

Public Participation

Members of the general public have attended Board meetings and in February 1978 in accordance with the Administrative Procedures Act (Act 176 of 1976) the Board held one public hearing. However, only within the past year has the Board issued public notices of its meetings. According to Board members, the Board unanimously supports the inclusion of public members on the Board. At present there are no public representatives. As one Board member noted, "a public member would add validity, effectiveness and objectivity to the Board and would serve as a 'buffer' between the Board and the profession."

RECOMMENDATION

SECTION 40-3-30 SHOULD BE AMENDED TO PROVIDE ONE ADDITIONAL MEMBER TO THE BOARD OF ARCHITECTURAL EXAMINERS. THIS MEMBER SHOULD BE A REPRESENTATIVE OF THE GENERAL PUBLIC.

Examination

There are two types of examinations given to qualified applicants for licensure: the Qualifying test and the Professional examination. Both of the examinations are developed by the National Council of Architectural Registration Boards (NCARB). According to the NCARB each test takes nearly two years to develop and is continually revised. Both examinations are graded by Educational Testing Services (ETS) of Princeton, New Jersey.

The Qualifying test is given to those individuals who do not hold an accredited architectural degree but do have at least eight years of architectural experience. The purpose of the test is to determine competency, knowledge and ability in basic technical and design aspects of architecture. The primary emphasis is on theory. There are four sections to the test. The number of questions a candidate answers correctly is entered onto a conversion scale and a converted score is reported. A minimum converted score of 75 is required by the NCARB to pass each section. In the event of failure each section may be retaken. Credit for passed sections is retained indefinitely. The Qualifying test is given nationally in June of each year.

The Professional examination is given to those individuals who hold an accredited architectural degree and meet the experience requirements or have successfully completed the Qualifying test. There are two sections to this test. Section A is site planning and design test which measures design competency. Section B is a four-part multiple choice test of overall knowledge in the field. Applicants are required to pass Section A before being admitted to take Section B. Unlike the Qualifying test, if one section of the Professional exam is failed the entire exam must be retaken. The NCARB establishes what a passing grade on the exam will be. This grade is determined by comparing the relative difficulty of the present test with that of past tests. The Professional exam is given every December on a national basis.

During calendar year 1978, 52 applicants in South Carolina took the Qualifying test. Of these 33 or 63% passed. The national pass rate was 42%. Also of the 25 South Carolina Professional exam applicants 16 or 64% passed. The national pass rate for this test was 54%. On both

examinations South Carolina applicants have consistently performed equal to or higher than the national average (see Table 2).

TABLE 2
STATISTICAL DATA ON EXAM FOR THE PAST THREE YEARS

<u>Type of Exam</u>	<u>Date Given</u>	<u>Passed</u>	<u>Failed</u>	<u>Total Number Tested</u>	<u>Percentage Passing (S. C.)</u>	<u>Percentage Passing (National)</u>
Qualifying*	June 1976	4.3	7.0	14.0	30.7%	42.6%
Professional	December 1976	17	13	30	56.6%	57.6%
Qualifying*	June 1977	8.1	6.6	14.8	54.7%	N/A
Professional	December 1977	22	13	35	62.8%	53.8%
Qualifying	June 1978	33	19	52	63.0%	42.0%
Professional	December 1978	16	9	25	64.0%	54.0%

*Estimates based on mean statistics due to data inconsistencies.

Source: NCARB Statistical Summary Tables.

Licensure

Section 40-3-60 of the 1976 South Carolina Code of Laws, lists five qualifications an individual must meet in order to be licensed as an architect. These requirements are:

- (1) Be at least 25 years of age;
- (2) Have a high school diploma;
- (3) Have eight years practical experience or graduated from an accredited school of architecture and have three years practical experience;

- (4) Have a sound working knowledge of architectural design, planning, materials, construction, sanitation, mechanical equipment, costs, business administration, building law and professional practice and ethics;
- (5) Be of "good moral character and trustworthy."

The Council found that the licensure requirements of age and good moral character measure neither the skill, competency, or ability of a person in architecture nor do they offer the public any indication of professional qualifications. The minimum age requirement should be eliminated and the term "good moral character" defined by measurable, objective standards based upon individual past performance. Personal conduct which does not affect the manner in which the architect performs his trade should not be a consideration for licensure. Only those traits which affect the architect's honesty and integrity in the marketplace should be examined.

Fees

The total operating costs for the Board are derived from licensing and examination fees. The application fee is \$25 and examination is \$50. Annual fees are \$25 for individual licensees and \$25 for firms (see Table 3).

In FY 77-78 the fees charged by the Board totaled \$41,761. The Board estimates this will increase to \$54,945 by FY 78-79 and \$58,920 in FY 79-80.

TABLE 3
SCHEDULE OF FEES

Application	\$25
Examination	50
Registration (reciprocity)	25
Annual Fee (individual)	25
Renewal Fee	25
Late Annual Renewal Fee	35
New Firm Registration	25
Firm Renewal	25

Reciprocity

South Carolina, like all other states, provides reciprocity to architects and architectural firms. This is done through the National Council of Architectural Registration Boards (NCARB) certification process. As stated in the Rules and Regulations of the Board:

...this Board shall accept as prima facie evidence of any applicant's qualifications to practice architecture a NCARB Blue Cover certificate furnished by said applicant...

This "Blue Cover" certificate gives a complete scholastic and professional history of the applicant including test grades and references and is prepared by the NCARB. It documents to the Board that the holder has met all NCARB standards and is recommended to be licensed.

This system of reciprocity is especially important in the architectural field due to national and international scope of many architectural firms. As of August 1978, 885 architects and 152 firms registered by the Board

were headquartered in other states. The full involvement of the various state boards with the NCARB encourages the free flow of practice from state to state and provides the state board with a reliable assessment of the competence of the out-of-state architect.

Complaint Filing System Needs Improvement

Board staff records complaints by listing them in a "legal" file. Included in this file is the name of the person or firm that the complaint is against, a code denoting the type of complaint and its date of resolution. Correspondence regarding complaints is kept in the architect's file. The Council found upon examination of the "legal" file that it was difficult to tell which cases were open or closed, which classification went with which complaint or if the case noted was a complaint or an unrelated legal matter.

Formal complaints are filed and acted upon by the staff and Board members. According to Board records, the great majority of complaints are filed by registered architects, not the general public. Most of these complaints deal with the alleged practice of architecture by unregistered individuals. Board staff also monitors the profession to ensure that all practicing architects are licensed. The staff regularly reviews a weekly listing of projects and architects in South Carolina to determine that all listed architects are registered by the Board.

Complaints are listed by three broad categories:

- (1) Complaints against a registered architect (RA).
- (2) Complaints alleging an unregistered practice (URP).
- (3) Other or miscellaneous (O).

During FY 78-79, 20 complaints were filed. Of these 18 alleged an unregistered practice and 2 were classified as Other (see Table 4).

TABLE 4
COMPLAINT LISTING FOR THREE-YEAR PERIOD

<u>Type of Complaint</u>	<u>Calendar Year 1976</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Unregistered Practice	12	23	18
Registered Architect	7	3	0
Other	<u>1</u>	<u>15</u>	<u>2</u>
TOTAL	20	41	20

The Board's present system of filing complaints needs improvement. All correspondence concerning a complaint should be filed in a separate complaint file rather than in the individual architect files. This procedure would make both reference and analysis easier. Also as a complaint is received it should be summarized in a separate log. This file should be organized to denote the type of case, name of complainant and architect, the date the case was opened and closed and the action taken by the Board. This type of organization will make the complaint data more useful to the Board and will enable the Board to more readily identify problem areas and frequent violators.

RECOMMENDATION

THE BOARD SHOULD IMPROVE ITS METHOD OF
FILING AND TRACKING COMPLAINTS. ALL COM-
PLAINT CORRESPONDENCE SHOULD BE MAINTAINED

IN A SEPARATE FILE AND A DETAILED COMPLAINT
LOG SET UP.

Need for Capacity to Investigate Complaints

Upon receiving a complaint Board staff generally notifies the firm or individual which is the subject of the complaint and asks for a response. If the response is not satisfactory the complaint is referred to the Board. Depending upon the seriousness of the complaint the Board will either continue correspondence or ask the individual or representative of the firm to appear before the Board. If the case warrants further action, it is referred to the Attorney General. For the majority of cases handled by the Board, i.e. unregistered practice or ethical questions, this type of system is satisfactory. However, the Board lacks the capability to investigate complaints.

The primary reason for the Board's existence is to ensure that architects not only secure but maintain an acceptable level of competence. Allegations which dispute an architect's level of competence have serious implications involving both the architect and the public. In cases of this nature it is important that the Board have the capability to investigate so that it may render a decision based upon fair and unbiased information and maintain an efficient and effective system of professional discipline.

Situations which demand this type of investigation do not confront the Board on a regular basis. Therefore, the development of this capacity should be coordinated with other related boards such as landscape architects, engineers or contractors. By doing so several boards could benefit by acquiring a needed capability at a lower cost.

RECOMMENDATION

THE BOARD SHOULD ACQUIRE THE CAPABILITY TO INVESTIGATE COMPLAINTS. IN ORDER TO PERFORM THIS FUNCTION IN THE MOST ECONOMICAL FASHION THE BOARD SHOULD CONSIDER COORDINATING THE DEVELOPMENT OF THIS CAPABILITY WITH OTHER RELATED BOARDS (I.E., BOARD OF LANDSCAPE ARCHITECTS, ENGINEERS AND CONTRACTORS).

License Revocation

There has been a reluctance by the Board to take disciplinary action against architects, especially in cases of alleged serious misconduct. For example, in a current case which is now in Federal court, an architect licensed by the Board has been accused of dishonest and incompetent practice. Although the architect was charged in 1976 the only Board action has been to require that they be kept informed of the proceedings. The Board has not initiated an investigation and has not held a hearing to consider revoking, suspending, or reprimanding the architect. In fact, no architect in South Carolina has ever had his license suspended or revoked by the Board.

This reluctance to take disciplinary action is due to several factors. Primarily, the Board has little capability to investigate alleged cases of illegality or statutory violations. Also interviews with Board members revealed a reluctance by the Board to "take away a person's livelihood" by revoking a license for a relatively minor infraction. Some Board members voiced concern of the extent of their "personal liability" should the accused bring legal action against the Board. Also several Board

members were unaware that the Board had the power to temporarily suspend a license. They thought that their only recourse was to permanently revoke the license.

According to State statutes and Board rules the Board has a variety of sanctions which can be used against licensees who violate State law. Section 40-3-120 of the 1976 Code of Laws states that "The Board may suspend for a period or revoke the certificate of administration to practice and forbid further practice by any architect who is found guilty by the Board of dishonest practice, unprofessional conduct or incompetence," [Emphasis Added]. Furthermore, Sections 40-3-130 and 40-3-150 specify unlawful acts and provide criminal penalties for such acts.

In addition to the statutes, Rule 15 of the Board reaffirms the provisions of 40-3-120 and states that the Board may issue a private or public reprimand to an individual or firm which violates the law. Rule 15 also specifically defines what should be considered a dishonest practice, unprofessional conduct and incompetent practice.

The unwillingness by the Board to take disciplinary action, particularly in the area of more serious violations, has major implications. Primarily, those few architects who do violate the statutes and rules relating to architecture can do so knowing that they will not face severe disciplinary action. Inaction of this type does little to ensure the public that its "health, safety and welfare" are being adequately protected.

Price Competition and State Regulation

Rule 17 of the Board's Rules and Regulations states that "architects shall not enter into a contract for professional services on any basis

other than direct negotiation thereby precluding participation in any system requiring a comparison of compensation." Simply stated, architects cannot compete on a price-for-service basis. On August 30, 1978 the Board asked the Office of the Attorney General to render an opinion on Rule 17 with special emphasis on the possibility that the rule was in conflict with the Sherman Antitrust Act (15 U.S.C. 1).

According to the Attorney General, Rule 17 is in violation of the Sherman Antitrust Act. Additionally, the opinion concluded that "...the ban on competitive bidding has not been commanded by the Legislature, nor is there any indication that the Legislature contemplated that price competition was to be displaced at all, much less to the extent mandated by (Rule) 17."

In response to this opinion, in December 1978 the Board sent a copy of this ruling to all registered architects and firms and advised them that the Board "would not attempt to enforce Rule 17 at this time." However, the Board also stated that "It is the strong feeling of the Board that the provision of Rule 17 is in the best interest of the Public and that every effort should be made to have legislation enacted to properly implement its provision."

The Audit Council reviewed the Attorney General's opinion and interviewed Board members regarding this decision and has determined that the elimination of this rule is proper, is in the public interest and will not be detrimental to the profession. As the Attorney General states there is no statute or legislative action which infers that price competition should be displaced by regulation of the Board. Furthermore, the intent of the Legislature and Federal law takes precedent over rules promulgated by the Board. The ruling is in the public interest because

consumers of architectural services can now consider the cost of those services before the architect is selected not after the selection. Also due to the forces of competition the overall cost of services may be reduced. Many architects interviewed by the Audit Council have stated that competing on the basis of price will lead to an inferior product. However, the abolition of Rule 17 does not mandate price competition, it merely means that it is no longer illegal.

Need for Continuing Education

The Board of Architectural Examiners has no requirements which mandate continuing education for architects. In nearly every profession, continuing education is recognized as an effective tool in maintaining professional expertise. In recent years it appears that the architecture profession has come to this realization. Several state boards are considering requiring continuing education as a condition of relicensure. Similarly the American Institute of Architects (AIA) is considering requiring continuing education as a prerequisite to continued membership. Also the National Council of Architectural Registration Boards (NCARB) is in the process of forming committees to consider the establishment of continuing education standards for use on a national basis.

The absence of continuing education requirements can have a significant effect on the quality of structures designed by architects. New design ideas, more effective methods of conserving energy and innovative uses of building materials occur continuously. Although many architects do participate in some continuing education the public should be assured that all architects are aware of new and more efficient concepts in the field. As soon as a workable system of continuing

education is proposed by the NCARB, the South Carolina Board should move to adopt it.

Conclusion

The Audit Council has determined that the Board of Architectural Examiners is performing its duties in an efficient and effective manner and should not be terminated. The Board has a significant and necessary role in protecting the health, safety and welfare of the public. The Council did, however, find several areas where improvements could be made. There is a need for continuous public representation on the Board in order to ensure that the public's interests are being served. The Board's system of filing and classifying complaints needs improvement and there is a need to have the ability to investigate complaints. Also, several licensing requirements are ineffective and should be changed.

SUNSET ISSUES AND EVALUATION

Act 608 of 1978, known as the Sunset Law, contains a series of eight issues which must be addressed in the review of each agency. These requirements encompass the areas of efficiency and effectiveness which will help determine the termination, continuation, or reestablishment of the agency and will also supply to the General Assembly an indication of the agency's public responsiveness and regulatory compliance. A summary of these issues and Audit Council's responses are presented in the following section.

- (1) DETERMINE THE AMOUNT OF THE INCREASE OR REDUCTION OF COSTS OF GOODS AND SERVICES CAUSED BY THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The programs and functions of the Board do not directly affect the cost of architectural services in South Carolina. The primary function of the Board is the testing and licensing of architects. Presumable the fees charged by the Board to architects and firms are passed on to consumers. The Audit Council found no measurable cost increases or reductions as a direct result of the existence or actions of the Board.

- (2) WHAT ECONOMIC, FISCAL AND OTHER IMPACTS WOULD OCCUR IN THE ABSENCE OF THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW?

The main function of the Board is the testing, licensing, and certification of architects. If this function were to end the public would have no assurance that those who hold themselves out as architects possess the necessary level of competence. Also, due to the nationwide network of reciprocity and the level of qualifications of other states, South Carolina architects would not be able to practice in other states without going through that state's examination process. Deregulation of the architectural profession would result in a serious threat to the public health, safety and welfare. It would also have far-reaching economic and fiscal ramifications. Lending institutions may not finance buildings designed by unregistered architects. Fraud and poor design would increase consumer costs.

(3) DETERMINE THE OVERALL COSTS, INCLUDING MANPOWER, OF THE AGENCY UNDER REVIEW.

The overall cost of the agency in FY 77-78 was \$40,334. The projected FY 78-79 expenditures are \$48,637. All expenditures are recouped through the charging of fees (see p. 7).

(4) EVALUATE THE EFFICIENCY OF THE ADMINISTRATION OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The main function of the Board is the testing and licensing of applicants. The Board has developed standards and guidelines in this area and carries them out in an efficient manner (see p. 5).

- (5) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS ENCOURAGED THE PARTICIPATION OF THE PUBLIC AND, IF APPLICABLE, THE INDUSTRY IT REGULATES.

There has been some effort to ensure an adequate level of public participation by the Board. Three Board meetings have been publicly announced and members of the public have attended these meetings. During 1978 the Board held one public hearing. The Board has no public members. By law the Board consists of four practicing professionals and one professor of architecture (see p. 9).

- (6) DETERMINE THE EXTENT TO WHICH THE AGENCY DUPLICATES THE SERVICES, FUNCTIONS AND PROGRAMS ADMINISTERED BY ANY OTHER STATE, FEDERAL OR OTHER AGENCY OR ENTITY.

The Board does not duplicate the services, functions and programs of any other State, Federal or local government entity. Although there are other State Boards which deal with related professions (i.e. contractors, home builders and landscape architects) the Board is the only entity responsible for the regulation of the practice of architecture.

- (7) EVALUATE THE EFFICIENCY WITH WHICH FORMAL PUBLIC COMPLAINTS FILED WITH THE AGENCY CONCERNING PERSONS OR INDUSTRIES SUBJECT TO THE REGULATION AND ADMINISTRATION OF THE AGENCY UNDER REVIEW HAVE BEEN PROCESSED.

The Board acts upon the majority of complaints in an efficient manner. However, the system of filing and classifying complaints should be improved. This will enable the Board to utilize complaint information more effectively. Also the Board should develop some investigative capability in order to more effectively protect the public health, safety and welfare (see p. 14).

- (8) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS COMPLIED WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL STATUTES AND REGULATIONS.

The Board of Architectural Examiners is not subject to any Federal or local legislation and is limited only by State of South Carolina law. The Audit Council reviewed all applicable laws and regulations pertaining to the Board and attempted to verify their consistent and equitable application within the legislative intent. The Audit Council has determined the Board to be in compliance with all appropriate statutes and regulations.

APPENDIX



STATE OF SOUTH CAROLINA
STATE BOARD OF ARCHITECTURAL EXAMINERS

July 17, 1979

Mr. George L. Schroeder
Executive Director
Legislative Audit Council
500 Bankers Trust Tower
Columbia, South Carolina 29201

Re: Report by Legislative Audit Council
on the State Board of Architectural
Examiners

Dear Mr. Schroeder:

Our Board and the staff commend the Legislative Audit Council's fair evaluation of our Board and we appreciate the recommendation that the State Board of Architectural Examiners' activities continue.

Comments in accordance with the sequence of your report are as follows:

1. Basically we agree with your summary on page 1.
2. The comment on the time (50-75%) our Director spends on State reporting is fairly accurate. We don't feel the amount of reporting to the State is necessary for a Board of our size and that a simpler accounting and reporting process for small Boards would be just as effective and would save the State thousands of dollars.

STATE OF SOUTH CAROLINA
STATE BOARD OF ARCHITECTURAL EXAMINERS

Mr. George L. Schroeder

July 17, 1979

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If we must continue under the present system we suggest that several small Boards such as ours utilize jointly one or two persons to do this work in somewhat the same manner as would be done for an Investigator in Item 7.

3. In reference to the addition of either one or two public members, our Board is on record as welcoming public members to the Board. If this is done in the immediate future there will need to be adjustments made in our budget to accommodate the additional expense.

4. We are pleased to have the statistics included in this report that show that South Carolina candidates, most of whom have either graduated or spent some time at the College of Architecture at Clemson University, have performed very well on a National comparative basis.

5. The Board has no objection to lowering or eliminating the age requirement. We feel that the combination of a high school diploma and eight years experience or an accredited professional degree and three years experience will produce the desired results as far as maturity is concerned.

6. We agree that the statement "good moral character" is somewhat difficult to define and should be replaced by a more measurable objective standard.

7. We agree to the recommendation for improving of filing and tracking of complaints, and are wholeheartedly in favor of adding investigative capacity to the Board, possibly in combination with another small Board. This would help smaller Boards expedite action on most types of complaints brought to the Board's attention. In this connection we feel that public members participation on the Board will help in the evaluation of these complaints.

8. In connection with reprimand, suspension or revocation of license we want to point out that the Statute calls for suspension or revocation only, but that just in the past several years has the reprimand been introduced



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into our Rules. The Board would recommend that clear-cut procedure be established either in the Statute or the Rules for reprimand, suspension or revocation. In this regard we are suggesting that our Attorney, the Assistant Attorney General, review the NCARB Guidelines for this purpose as a guideline for our Board to follow in this type of action.

9. In regard to Rule 17 having to do with competitive bidding, we believe that the Board's position on this is clear. The statement in the report that regardless of the varying opinions of practitioners concerned with maintaining high standards, the fact that the latest Opinion from the Attorney General's Office no longer makes this Rule enforceable is sufficient at this time.

10. This Board agrees in principle on the need for continuing education. Activities both in the A.I.A. and NCARB indicate the profession is moving toward an effective program in this area. Although some States have proceeded to make this mandatory, we feel that it is in the best interest of all States to refrain from making this mandatory until an effective National program is in effect. Since this should happen within a very few years this will not be an immediate threat to the health, safety and welfare of the citizens of the State. Many Architects are already participating in existing continuing educational programs and seminars primarily for the purpose of keeping themselves informed for competitive purposes.

Again we appreciate the fair evaluation of our Board and its activities.

Yours very truly,

Howard G. Love
Secretary-Treasurer

cc: Board Members